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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 154 OF 2017
IN
TESTAMENTARY SUIT NO. 182 OF 2016
IN
TESTAMENTARY PETITION NO. 1232 OF 2014

Girish S. Pikale .. Applicant

In the matter between

Shailesh Shantaram Pikale .. Plaintiff
Vs.
Girish S. Pikale & Ors. .. Defendants

Mr. Manish Gala for the Plaintiff.
Mr. Anupam Surve a/w. Ms. Yasmeen Mohd. Sabir i/b Little & Co. for Defendant No.1/Applicant.
Ms. Nilima V. Sanglikar for Defendant No.2.

CORAM : S. C. GUPTE, J.
DATE : 20th NOVEMBER, 2017.

P. C. :

1. After the matter is heard at some length, it is agreed between learned counsel that the Notice of Motion can be disposed of in terms of the following order and it is accordingly ordered as follows:

2. Pending and hearing and final disposal of the Testamentary Suit, the plaintiff undertakes to the Court not to dispose of or create any third party rights or part with possession of movable and immovable properties of the deceased.

3. The plaintiff states that he has no movable or immovable assets of the deceased in his possession or custody other than the assets

disclosed in Schedule I to the Testamentary Petition.

4. The plaintiff states that he has not created any third party rights or parted with possession with any immovable property of the deceased in his possession or custody.

5. The plaintiff shall give account of the money withdrawn from the bank accounts of the deceased after the death of the deceased. Such account shall be furnished in an affidavit to be filed within four weeks from today.

6. The plaintiff shall maintain account in respect of accretions to, or income from, the property described in Schedule I to the Testamentary Petition during the pendency of the suit.

7. Learned counsel for defendant No.1, on instructions from his client who is present in person today, states that defendant No.1 does not have in his possession or custody any asset belonging to the deceased either in his (i.e. the deceased's) individual capacity or in the capacity of the deceased as a Karta of HUF.

8. The Notice of Motion is disposed of accordingly.

9. At the request of all the parties, hearing of the Testamentary Suit is expedited.

10. Learned counsel for defendant No.2 tenders her admissions and denials of the plaintiff's documents.

11. The Suit to come up for marking of documents on 18.12.2017.

[S. C. GUPTE, J.]